

REMARKS/ARGUMENTS

Prosecution was reopened in response to Applicants' appeal brief received by the U.S. Patent and Trademark Office on March 16, 2007. Claims 1 to 8, 10 and 21 to 25 were rejected under 35 U.S.C. §102(b) as being anticipated by Sarring (U.S. 3,722,336) and Applicants' Admitted Prior Art. Claims 9 to 11 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sarring (U.S. 3,722,336).

Withdrawal of the rejections to the pending claims is respectfully requested.

35 U.S.C. §102 (b) Rejections

Claims 1 to 8, 10 and 21 to 25 were rejected under 35 U.S.C. §102(b) as being anticipated by Sarring.

Sarring shows feed, transport and delivery mechanisms for a two-station, three-knife book trimmer. (See col. 1; lines 5 to 7).

Claim 1 recites a transfer apparatus for a sheet material article trimmer, the transfer apparatus comprising:

a transfer element configured to grip the sheet material article and move the sheet material article in a transfer direction onto a moving side table of the sheet material article trimmer; and

a driver configured to move the transfer element at a same speed as the moving side table during a first time period, the speed of the side table and the transfer element varying during the first time period, when the sheet material article is gripped by the transfer element and the side table is moving in the transfer direction.

Sarring does not disclose "a driver configured to move the sheet material article in a transfer direction onto a moving side table of the sheet material article trimmer" as recited in claim 1. Sarring shows that the second station does not move and in fact there is no side table; the book is supported only by the transport belts which are indexed to stop before and during the side cutting. (See col. 5; lines 6 to 20).

Contrary to the Examiner's assertions, Element 1490 of Fig. 34 is a knife bar (Col. 4; line 18), not "a moving side table."

Claim 25 recites a transfer apparatus for a sheet material article trimmer, the transfer apparatus comprising:

a transfer element configured to grip the sheet material article and move the sheet material article in a transfer direction onto a side table of the sheet material article trimmer; and

a driver configured to move the transfer element at a same speed as the side table during a first time period when the sheet material article is gripped by the transfer element and the side table is moving in the transfer direction;

the driver including an epicycle gear unit, the epicycle gear unit including a constant speed input member driven by a main trimmer drive of the sheet material article trimmer and a variable speed input member configured for varying an output of the epicycle gear unit so as to vary a speed of the transfer element.

For the reasons set forth above with regard to claim 1, it is respectfully submitted that Sarring does not show “a driver configured to move the transfer element at a same speed as the side table during a first time period when the sheet material article is gripped by the transfer element and the side table is moving in the transfer direction” as recited in claim 25. Sarring shows that the second station does not move and in fact there is no side table; the book is supported only by the transport belts which are indexed to stop before and during the side cutting. (See col. 5; lines 6 to 20).

Further, Sarring fails to disclose the claimed epicycle gear unit.

Withdrawal of the rejection of claims 1 and 25 under 35 U.S.C. §102(b) is therefore respectfully requested.

As claims 2 to 8, 10 and 21 to 24 depend from claim 1, withdrawal of the rejection of these claims is also requested.

35 U.S.C. §103(a) Rejections

Claims 9 to 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sarring and AAPA.

Sarring is discussed above.

As the AAPA is cited solely for allegedly teaching the additional limitations of claims 9 to 11, it cannot cure the deficiencies identified above with regard to Sarring, and the Examiner's rejection should be withdrawn.

Furthermore, regarding claims 9 to 11, the Examiner is incorrect to cite to paragraphs of the detailed description as "Admitted Prior Art." The fact that the inventors believe that a shuttle mechanism can be substituted for belts 254, 256 in an embodiment of the invention is not an admission that the prior art teaches such a substitution. Put simply, the fact that Applicants disclose alternate embodiments in its detailed description is not an admission of prior art.

Similarly, the fact that Applicants disclose servomotors and epicycle gears as possible embodiments of the invention is not an admission that such embodiments can be substituted in Sarring, as incorrectly asserted by the Examiner. As admitted by the Examiner, Sarring does not disclose using an epicycle gear unit as recited in claim 25. Paragraph 102 teaches that an epicycle gear unit itself, for example, is well known in the art as one was purchased from a company in N.J. Paragraph 102 does not disclose as AAPA that an elliptical gear unit is "equivalent" to gear units such as the gear unit 1392 of Sarring. The same applies to the Examiner's arguments regarding the discussion of servo motors in paragraph [102].

Withdrawal of the rejection under 35 U.S.C. §103(a) to claims 9 to 11 is respectfully requested.

Claim 25 was rejected under 35 U.S.C. §103(a) as being unpatentable over Sarring and AAPA.

Sarring is discussed above.

Claim 25 recites a transfer apparatus for a sheet material article trimmer, the transfer apparatus comprising:

a transfer element configured to grip the sheet material article and move the sheet material article in a transfer direction onto a side table of the sheet material article trimmer; and

a driver configured to move the transfer element at a same speed as the side table during a first time period when the sheet material article is gripped by the transfer element and the side table is moving in the transfer direction;

the driver including an epicycle gear unit, the epicycle gear unit including a constant speed input member driven by a main trimmer drive of the sheet material article trimmer and a variable speed input member configured for varying an output of the epicycle gear unit so as to vary a speed of the transfer element.

As the AAPA is cited solely for its alleged disclosure of an epicycle gear unit, it cannot cure the failure of Sarring to disclose or suggest the “side table is moving in the transfer direction,” and the Examiner’s rejection should be withdrawn.

Further, for the reasons set forth above, paragraph 102 does not disclose as AAPA that an elliptical gear unit is “equivalent” to gear units such as the gear unit 1392 of Sarring.

Withdrawal of the rejection under 35 U.S.C. §103(a) to claim 25 is respectfully requested.

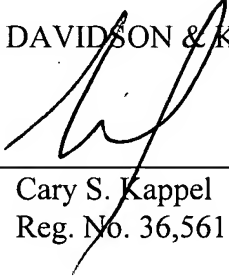
CONCLUSION

It is respectfully submitted that the present application is now in condition for allowance, and Applicants respectfully request such action.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: _____


Cary S. Kappel
Reg. No. 36,561

Davidson, Davidson & Kappel, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736-1940